

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:11CR172
vs.)
ABDIRAHMAN FARAH MOHAMED,)
Defendant.) ORDER

This matter is before the court on the motion to continue trial and to waive jury trial by defendant Abdirahman Farah Mohamed (Mohamed) (Filing No. 34 - Parts I and II).

In Part I, Mohamed seeks a continuance of the trial of this matter which is scheduled for January 17, 2012. Mohamed's counsel represents that government's counsel has an objection to the motion. Upon consideration, Part I of the motion to continue will be granted.

In Part II, Mohamed seeks to waive trial by jury pursuant to Fed.R.Crim.P. 23. The request is not in writing bearing his signature and the government's consent; however, Mohamed's request to proceed to trial without a jury will be considered at a pretrial hearing to be scheduled below.

IT IS ORDERED:

1. Mohamed's motion to continue trial (Filing No. 34 - Part 1) is granted.
2. Trial of this matter is re-scheduled for **January 23, 2012**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 10, 2012, and January 23, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

3. Mohamed's request to waive jury trial pursuant (Filing No. 34 - Part II) will be considered by Judge Joseph F. Bataillon at a hearing in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **1:00 p.m. on Tuesday, January 17, 2012**. The defendant is required to be present in person.

DATED this 10th day of January, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge